

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BARTHOLOMEW GRANGER,	§	
	§	
Petitioner	§	No. 1:17-cv-00291-RC
	§	
v.	§	THIS IS A CAPITAL CASE
	§	
LORIE DAVIS, Director	§	
Texas Department of Criminal Justice	§	
Correctional Institutions Division,	§	
	§	
Respondent	§	

**JOINT MOTION FOR LEAVE TO FILE
OVER-LENGTH PETITION AND ANSWER**

Petitioner, Bartholomew Granger, and Respondent Lorie Davis, through undersigned counsel, respectfully move for leave to file pleadings in excess of the page limits for 28 U.S.C. § 2254 death penalty cases established by the Local Rules of the Eastern District of Texas, Rule CV-3(b). In support thereof, the parties state the following:

In May 2013, Mr. Granger was convicted of capital murder and sentenced to death. On May 17, 2017, the Texas Court of Criminal Appeals denied Mr. Granger's application for writ of habeas corpus.

Petitioner plans to file his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on or before May 17, 2018. Respondent plans to file an Answer to the Petition sometime thereafter.

Pursuant to Rule CV-3(b) of the local rules for the Eastern District of Texas, absent leave of court, 28 U.S.C. § 2254 petitions in death penalty cases shall not exceed one hundred pages. Under the same rule, Respondent's Answer is limited to 100 pages.

An enlargement of the page limit is necessary in order to fully inform the Court of the merits of Petitioner's claims for relief.

Petitioner's Application for Writ of Habeas Corpus in state court was over 100 pages long, not including attachments or supporting documents. Undersigned counsel for Petitioner has made great efforts to condense and winnow this pleading, and has omitted some of the claims raised in state court from the petition to be filed in this Court. However, in the course of investigating Petitioner's case, undersigned counsel has developed both numerous additional facts and additional claims in support of Petitioner's federal petition.

Undersigned counsel has made every effort to succinctly present these facts and claims. However, this task is difficult in light of the fact-intensive nature of many of Petitioner's claims. Thus, additional pages are necessary to plead these facts and explain their impact on Petitioner's claims for relief.

In turn, Respondent also requires an enlargement of the page limit. Respondent's Answer is Respondent's opportunity to respond to both the merits of Petitioner's claims for relief and also raise any procedural defenses. Due to the complex, fact-intensive nature of such a pleading, additional pages are necessary. This enlargement is also necessary due to the anticipated over-length nature of Petitioner's Petition.

WHEREFORE, the parties respectfully request that this Court grant Petitioner permission to file an over-length Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 that will not exceed one hundred fifty (150) pages in length, and correspondingly grant Respondent leave to file an Answer that will not exceed one hundred fifty (150) pages in length.

Respectfully submitted,

/s/ Gwendolyn S. Vindell
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COUNSEL FOR RESPONDENT

Dated: May 7, 2018

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CERTIFICATE OF SERVICE

I, Peter Walker, hereby certify that on this 7th day of May 2018, I served the foregoing on the following person via the Electronic Case Filing System:

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/s/ Peter Walker
Peter Walker

Dated: May 7, 2018